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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/480,883	01/10/2000	SCOTT T. ALLAN	A-65188-1/TO	4877

7590 10/31/2003

FLEHR HOHBACH TEST ALBRITTON & HERBERT
SUITE 3400
FOUR EMBARCADERO CENTER
SAN FRANCISCO, CA 941114187

EXAMINER

JASMIN, LYNDIA C

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 10/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/480,883

Applicant(s)

ALLAN ET AL.

Examiner

Lynda Jasmin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,9-11,13,14,21-27 and 29-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,9-11,13,14,21-27 and 29-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 06, 2003 has been entered.
2. Amendment received September 08, 2003 has been entered.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3, 4, 9-11, 23 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tognazzini (5,739,512) in view of Kapp et al. (5,195,133).

Tognazzini discloses a method for storing and retrieving electronic records as claimed with the step of: creating a transaction at a merchant location by buying one of goods and service (purchase transactions via 220), forwarding an electronic record of the transaction, including the electronic signature and a text description of a line item

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relating to the transaction (col. 6, lines 14-16), to an electronic-record repository (col. 2, lines 31-40 and lines 44-48), and forwarding to the electronic-record repository an electronic record of a transaction created at a business other than the merchant (via the credit card company issuing the electronic receipt). In another embodiment, Tognazzini discloses creating the transaction by buying from a virtual merchant (col. 3, lines 28-38).

Tognazzini further discloses generating a paper receipt for the transaction (col. 5, lines 23 and 24), and retrieving a replica of the paper transaction receipt from the electronic-record repository over the Internet (col. 6, lines 37-39 and lines 62-65).

However, Tognazzini fails to explicitly disclose authorizing the transaction with an electronically captured signature, and providing upon request retrieval of an electronically generated user viewable image of the electronically captured signature.

Kapp et al. discloses the concept of a user signing a document (via receipt 36) and a copy of the signature is captured in digital form as illustrated in Figure 6. Kapp et al. further discloses that account debit may be made in reliance upon an electronically captured signature as illustrated in Figure 6A.

From this teaching of Kapp et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the digital receipt method of Tognazzini to include the captured signature taught by Kapp et al. in order to validate the authenticity of information received and approve transaction.

5. Claims 1, 3, 4, 9-11, 22-27 and 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tognazzini (5,739,512) in view of Francini et al. (EPO 0 474 360).

Tognazzini discloses a method for storing and retrieving electronic records as claimed with the step of: creating a transaction at a merchant location by buying one of goods and service (purchase transactions via 220), forwarding an electronic record of the transaction, including the electronic signature and a text description of a line item relating to the transaction (col. 6, lines 14-16), to an electronic-record repository (col. 2, lines 31-40 and lines 44-48), and forwarding to the electronic-record repository an electronic record of a transaction created at a business other than the merchant (via the credit card company issuing the electronic receipt). In another embodiment, Tognazzini discloses creating the transaction by buying from a virtual merchant (col. 3, lines 28-38).

Tognazzini further discloses generating a paper receipt for the transaction (col. 5, lines 23 and 24), and retrieving a replica of the paper transaction receipt from the electronic-record repository over the Internet (col. 6, lines 37-39 and lines 62-65).

However, Tognazzini fails to explicitly disclose authorizing the transaction with an electronically captured signature, and providing upon request retrieval of an electronically generated user viewable image of the electronically captured signature.

Francini et al. discloses the concept of authorizing a transaction with an electronically captured signature (as illustrated in Figure 2), and providing upon request retrieval of an electronically generated user viewable image of the electronically captured signature (via electronically retrieved and used to generate a human readable image on a CRT screen for the customer) (as disclosed in (col. 5, line 3-18) and (col. 7, lines 17-23)).

From this teaching of Francini et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the digital receipt method of Tognazzini to include the captured signature and electronically retrieved the captured signature taught by Francini et al. in order to validate and approve transaction.

As claims 22-26, 30 and 31, Tognazzini further discloses the step retrieving the electronic record as proof of transaction in case of disputes or problems with the order (for e.g. audit or historical purposes from a database). However, Tognazzini fails to explicitly disclose using the electronic record as proof of the transaction in order to return/exchange the bought goods or service, or to file a warranty claim with respect to the bought goods or service. This practice is well known in the business community and would follow in the Internet world as well where customer is worldwide. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have added this well known steps of providing the electronic record as proof of transaction in order to return/exchange and to file a warranty claim of the bought goods or service in the process of Tognazzini for the purpose of streamlining the process and saving time spent by customer searching for paper transaction, and the Examiner takes Official Notice as such.

As per claim 29, forwarding the electronic record in a bath-compatible fashion is well known in financial institution (e.g. bank card company) to process and store transaction at the end of business day. Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the credit

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card company of Tognazzini with a batch-compatible fashion in order to facilitate faster service during business hours, and the Examiner takes Official Notice as such.

6. Claims 13, 14 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tognazzini in view Francini et al. as applied to claim 1 above, and further in view of Kobayashi et al. (5,864,825).

The Tognazzini and Francini et al combination further discloses the step of emailing receipt from company database to the customer (see step 850).

However, the combination fails to explicitly disclose the step of offering a search of an electronic-record repository by text line-item description and downloading, faxing and printing a copy of the electronic record from the electronic-record repository.

Kobayashi et al. discloses the process steps of offering a search of an electronic-record repository by text line-item description (data of goods such as name of articles) (col. 4, lines 63-67), and retrieving requesting receipt from a host unit and transferred the data result to a printer, which prints the results (at S17), or downloading to the customer IC card.

From this teaching of Kobayashi et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the digital receipt and captured signature of the Tognazzini and Francini et al combination, to include the searching and printing of the receipt from a storage as taught by Kobayashi et al. in order to provide a transcript of a purchase receipt when the receipt is missing.

Further, faxing a copy of the receipt from the electronic-report repository is a well-known medium of sending and receiving communication. Thus, it would have been

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obvious to one of ordinary skill in the art the time the invention was made to have provided the step of faxing a hard copy to a customer to facilitate transmission of record and the Examiner takes Official Notice as such.

Response to Arguments

7. Applicant's arguments with respect to claims 1, 3, 4, 9-11, 13, 14, 21-27 and 29-31 have been considered but are moot in view of the new ground(s) of rejection.

The Patent to Kapp et al. discloses the concept of a user signing a document (via receipt 36) and a copy of the signature is captured in digital form as illustrated in Figure 6. Kapp et al. further discloses that account debit may be made in reliance upon an electronically captured signature as illustrated in Figure 6A.

Francini et al. discloses the concept of authorizing a transaction with an electronically captured signature as illustrated in Figure 2, and providing upon request retrieval of an electronically generated user viewable image of the electronically captured signature via electronically retrieved and used to generate a human readable image on a CRT screen for the customer.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

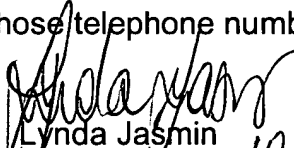
Haraguchi discloses a sign reading device for reading a genuine signature signed by an authorized person.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda Jasmin whose telephone number is (703) 305-0465. The examiner can normally be reached on Monday- Friday (8:00-5:30) alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 308-1113.


Lynda Jasmin
Examiner
Art Unit 3627
10/29/03

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